* ZONING COMMISSIONER

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter originally came before the Zoning Commissioner as a Petition for Special Hearing for that property known as 3 St. Timothy's Lane, located in the vicinity of Catonsville in western Baltimore County. The Petition was filed by the owner of the property, Jacqueline Lois LeConte, through her attorney, F. Michael Grace, Esquire. The Petitioner requested approval of the use of the subject property as a legal, nonconforming four apartment dwelling, in accordance with the site plan and supporting documents submitted into evidence as Petitioner's Exhibits 1 through 4.

The matter was scheduled for public hearing on November 1, 1993. Appearing at that hearing on behalf of the Petition were Jacqueline LeConte, property owner, her ex-husband, William L. LeConte, Eva B. and Mary A. Rittershofer, Mary E. Norris, and Virginia L. Buchanan. The Petitioner was represented by F. Michael Grace, Esquire. There were no Protestants present

Testimony and evidence offered at the hearing revealed that the subject property consists of .3405 acres, more or less, split zoned D.R. 5.5 and B.L. and is improved with a two and one-half story dwelling containing four (4) apartments. This property is the first residential property on St. Timothy's Lane behind the commercial uses which front Freder-

minimum of 10,000 sq.ft. for two families, and 3,000 sq.ft. for each addi-

tional family. In that the subject lot contains 14,850 sq.ft., the Peti-

tioner complies with the lot area requirements for three (3) apartments.

However, the building lot width is only 90 feet in lieu of the required 95

feet. Thus, in order to legitimize the property's use as three apartments,

four (4) apartment use. In addition to the lot width variance, a lot area

variance was requested. With the additional dwelling unit, the lot width

required is increased by 15 feet, or 110 feet and therefore, a greater

variance from lot width requirements is necessary. Furthermore, since lot

area requirements for four units is a minimum 16,000 sq.ft., this property

grant a variance from Section 402.1 of the B.C.Z.R. as it relates to the

lot width. The variance here is minor, to wit, 5 feet, or 90 feet in lieu

of the required 95 feet. Clearly, the long history of the use of this

property as a multi-apartment dwelling which has continued to the present

time, demonstrates that there would be no adverse impact upon the surround-

ing locale if the variance is granted. That is, there have been four (4)

apartments on the site for 30 years and there is no evidence that such use

has been detrimental. Moreover, in view of the size of the lot and the

natural site constraints imposed by its configuration and area, the Peti-

tioner would suffer a practical difficulty if the variance relief were

denied. Furthermore, I believe that a granting of this variance would be

- 5-

In the alternative, the Petitioner also requested variances for a

Considering first the three apartment use, I am persuaded to

the Petitioner must obtain a variance to lot width requirements

does not comply since it is only 14,850 sq.ft. in area.

consistent with the spirit and intent of the B.C.Z.R.

Signet Bank building on the east and south sides, while to the north and west across the street from the site are other residential uses. Mrs. LeConte testified that the property had been in the family for many years but that was purchased by her in April, 1993 as part of a settlement of litigation between family members. She testified that the property was originally owned by her parents who are now deceased. Mrs. LeConte testified that her parents purchased the property in the 1960s and that she and her husband resided in the property from 1962 to 1964. She described the layout of the dwelling and the four apartments therein. Specifically, there is an apartment in the basement, an apartment on the first floor, and two apartments on the second floor. A private entrance exists for each apartment and each is equipped with its own kitchen and bath. Mrs. LeConte further testified that the use of the property as four apartments has been continuous and uninterrupted since at least the early 1960s

ick Avenue. The property abuts the rear of a Dunkin Donuts restaurant and

Mr. LeConte testified that he is the Petitioner's ex-husband and that he has been familiar with the property since the late 1950s. He corroborated his ex-wife's testimony that they resided together on the property in the early 1960s and that during and since their association with the property, it has been used continuously and without interruption as four apartments. His testimony was corroborated by Eva Rittershofer, who has lived in the Catonsville area since 1945, and became familiar with the property when she moved into the neighborhood in the 1970s. She testified that she has been familiar with the apartment use of this property since that time.

As noted above, there were no Protestants present at the November hearing. After the presentation of the testimony outlined above, this

Having approved its use as three apartments, attention is next turned to the alternative request for a four apartment use. After careful consideration in this case, I believe that continued utilization of the building as four apartments would not be detrimental to the health, safety or general welfare of the locale. Again, it is to be noted that the property has been used in this fashion for in excess of thirty years. Clearly, a four apartment use of this structure is appropriate, particularly noting that the property abuts the heavy commercial corridor of Frederick Road and is not far from the Catonsville business district. The split zoning classification is further evidence of the fact that the property serves as

> However, notwithstanding my conclusion in this regard, I regretfully cannot grant the variances requested. Although granting a lot width of 90 feet in lieu of the required 110 feet would be permissible, I do not believe that the Zoning Commissioner has the authority to grant variances from lot area requirements. Indeed, in this instance, what the Petitioner seeks is a variance in the density allowed

> a natural buffer between single family residential properties in the inte-

rior of this community and the commercial properties on Frederick Road.

The powers of the Zoning Commissioner are well established within Title 26 of the Baltimore County Code and the B.C.Z.R. Essentially, the Zoning Commissioner is empowered to interpret and administer the moning regulations of Baltimore County. However, this Office is not akin to a Judge or a Court of Law. As much as I would like, I cannot "do equity" in this case and permit the Petitioner to obtain a density variance and mainand denied in part.

- 6-

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special hearing relief sought shall be denied and the variance relief

Zoning Commissioner questioned the Petitioner and her Counsel concerning

the offer of evidence to support the requested relief. I pointed out at

that time that a nonconforming use is defined in Section 101 of the

B.C.Z.R. as "a legal use that does not conform to a use regulation for the

zone in which it is located or to a special regulation applicable to such

a use." I advised the Petitioner that a nonconforming use designation was

often utilized to "grandfather" an otherwise illegal use. That is, if a

given use on a particular property is illegal, pursuant to the zoning

designation for that property, a nonconforming use designation can legiti-

mize that use, if testimony and evidence presented is persuasive to estab-

lish that the use existed prior to the adoption of a zoning classification

or prohibiting regulation. Also, the Petitioner's attention was drawn to

Section 104 of the B.C.Z.R. which governs nonconforming uses. That Sec-

tion provides that the character of a nonconforming use cannot be altered

or changed, and that any nonconforming use which is discontinued for more

in this case, based upon the extent of the testimony offered by the Peti-

tioner and her witnesses. Specifically, it is to be noted that the first

set of zoning regulations came to Baltimore County on January 2, 1945.

Subsequently, the regulations were comprehensively readopted in 1955. The

coning of the property since 1955 prohibits a four-apartment use of the

would show that the property has been used as a four apartment dwelling

tioner advised that Mrs. LeConte was unable to offer any testimony and

The regulations relating to a nonconforming use are most relevant

Thus, the Petitioner must adduce testimony and evidence which

After a discussion of these issues and law, Counsel for the Peti-

than one year is forfeited.

since prior to 1955.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore day of September, 1994 that the Petition for Variance seeking relief from Section 402.1 of the B.C.Z.R. to permit with a lot width of 90 feet in lieu of the required 95 feet for three (3) apartments, be and is hereby GRANTED, subject to the following restrictions:

granted in part and denied in part.

1) Within sixty (60) days of the date of this Order, the Petitioner shall take appropriate steps to remove the fourth apartment unit. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking approval of the use of the subject property as a legal, nonconforming four apartment dwelling, in accordance with Petitioner's Exhibit 4, be and is hereby DENIED: and.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 402.1 of the B.C.Z.R. to permit a lot width of 90 feet in lieu of the required 110 feet and a lot area of 14,850 sq.ft. in lieu of the minimum required 16,000 sq.ft. for four (4) apartment units, be and is hereby DENIED. 1 - 1 4

- 7-

Zoning Commissiones for Baltimore County

offered only established the use as existing in the early 1960s. Counsel for the Petitioner then asked for a continuance of the matter to explore other options which might be available to legitimize the four apartments presently existing within the dwelling. The case was subsequently rescheduled for additional hearing or

evidence that the use pre-dated 1955. Rather, the testimony and evidence

June 21, 1994. At that time, the relief requested was amended and a Peti tion for Variance was added to the special hearing relief sought. In the Petition for Variance, the Petitioner requests relief from Section 402. of the B.C.Z.R. to permit a lot width of 90 feet in lieu of the required 95 feet for three (3) apartment units, or in the alternative, a jot width of 90 feet in lieu of the required 110 feet and a jot area of 14,850 sq.ft in lieu of the minimum required 16,000 sq.ft. for four 4) apartment units.

At the hearing held in June, 1994, the Petitioner cited Section 402 of the B.C.Z.R. which governs conversion of dwellings to multi-family residential uses. It was noted that Section 230.1 of the B.C.Z.R. allows B.L. zones to be used and permitted for residential purposes as ilmited by the zoning classifications of residential property immediately adjoining the parcel. Thus, in this case, the residential uses for the bill zoned portion of this site would be permitted as limited by the D.R. 5.5 requia tions, in that the property is split zoned b.k. 5.5 and B.L. Within Dec tion 1801.1.A.1.c of the B.C.Z.R., multi-family buildings are allowed the D.R. 5.5 zones. Multi-family buildings are defined by Section 101 o the B.C.Z.R. as a structure containing three or more units. Based these. Sections it is clear that the property may contain multi-residentia uses, if same complies with Section 402 and the conversion table found therein. Within that Section, it is required that the lot area contain a

NED 918

Baltimore County Governmen Zoning Commissioner Office of Planning and Zoning

Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

September 8, 1994

F. Michael Grace, Esquire 583 Frederick Road, Suite 3 Catonsville, Maryland 21228

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE E/S St. Timothy's Lane, 92' N of Frederick Avenue (3 St. Timothy's Lane) 1st Election District - 1st Councilmanic District Jacqueline L. LeConte - Petitioner Case No. 94-122-SPH

Dear Mr. Grace:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied and the Petition for Variance has been granted in part and denied in part in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

cc: Ms. Jacqueline L. LeConte 9226 West Stayman Drive, Ellicott City, Md. 21042

People's Counsel

LES:bje

Production Deplets in

OK POR

H HE

Petition for Special Hearing to the Zoning Com-

3 St. Timothy's Lane Catonsville, Maryland 21228 for the property located at which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached herete and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County. to determine whether or not the Zoning Commissioner should approve

Non Conforming use as a FOUR (4) Apartment dwelling.

	Who do sciennity declare and affirm, under the penalties of perjury, that there are the legal currents) of the property which is the subject of this Petition.
Contract PurchasenLesses:	Legal Owner(s).
N/A (Type or Print Name)	Jacqueline Lois LeConte (Type or Print Name)
Signature	(Signature)
Address	<u>Jacqueline-Lois-LeGonte</u> (Type or Print Name)
City State Zipcode	Signature
Attorney for Petitioner:	9226 West Stayman Drive 465-6043 Address Phone No.
F. Michael Grace, Esquire	Ellicott City, Maryland 21042 City State Zipcode Name, Address and phone number of representative to be contacted.
F	Attorney for Petitioner
Gisriel & Brush, P.A.	Address Phone No.
583 Frederick Road, Suite 3	OFFICE USE ONLY
Catonsville, Maryland 21228	ESTIMATED LENGTH OF HEARING unsvaliable for Hearing
(410) 744-5724	the following dates Next Two Months
	REVIEWED BY: <u>F.T.</u> DATE <u>9-13-93</u> //EM# 118

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Potitioner: Jac gualine to Lolonte

Location of property: 3 ST. Timothy's Laws-E/S, 97' N/ Fredorick Are

Location of Signer Facing Toad way, on property being rove &

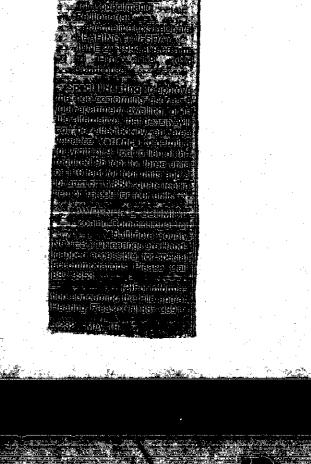
Posted for: Special Hooring

Petition for	Special Hearing
to the Zoning Commi	3 St. Timothy's Lane Catonsville, Maryland 21228 which is presently zoned pp. 5.5
This Petition shall be filed with the Office of Zoning Administration The undersigned, legal owner(s) of the property situate in Baltimore hereto and made a part hereof, hereby petition for a Special Hearing to determine whether or not the Zoning Commissioner should appre	ion & Development Management. • County and which is described in the description and plat attached g under Section 500.7 of the Zoning Regulations of Baitimore County.
Non Conforming use as a FOUR (OR IN THE ALTERNATIVE THAT DES VARIANCE PURSUANT TO SECTION 6	NSITY WILL NOT BE AFFECTED BY AN AREA
Property is to be posted and advertised as prescribe i, or we, agree to pay expenses of above Special Hearing advertise are to be bound by the zoning regulations and restrictions of Baltin	sing, posting, etc., upon filing of this petition, and further agree to and nore County adopted pursuant to the Zoning Law for Baltimore County.
Combact Purchaser/Lesses:	We do solemnly declare and affirm, under the penalties of perjury, that two are the legal owner(o) of the property which is the subject of this Petition. Legal Owner(s):
N/A (Type or Print Name) Bignature	Jacqueline Lois LeConte (Type or Print Name) Regulario Leconte Signatura Jacqueline Lois LeConte (Type or Print Name)
City State Zipcode	9226 West Stayman Drive 465-6043
Attorney for Petitioner: F. Michael Grace, Esquire (Type or Print Name) F. Michael Grace, Esquire Signature	Address Phone No. Ellicott City. Maryland 21042 State Zipcode Name, Address and phone number of representative to be contacted. Attorney for Petitioner
Gisriel & Brush, P.A. Address Phone No. 583 Frederick Road, Suite 3 City Catonsville, Maryland 21228 (410) 744-5724 PEVISIONS DROPPED OFF No REVIEW	ESTIMATED LENGTH OF HEARING unavailable for Hearing the following dates ALL OTHER REVIEWED BY: DATE

CERTIFICATE OF PUBLICATION

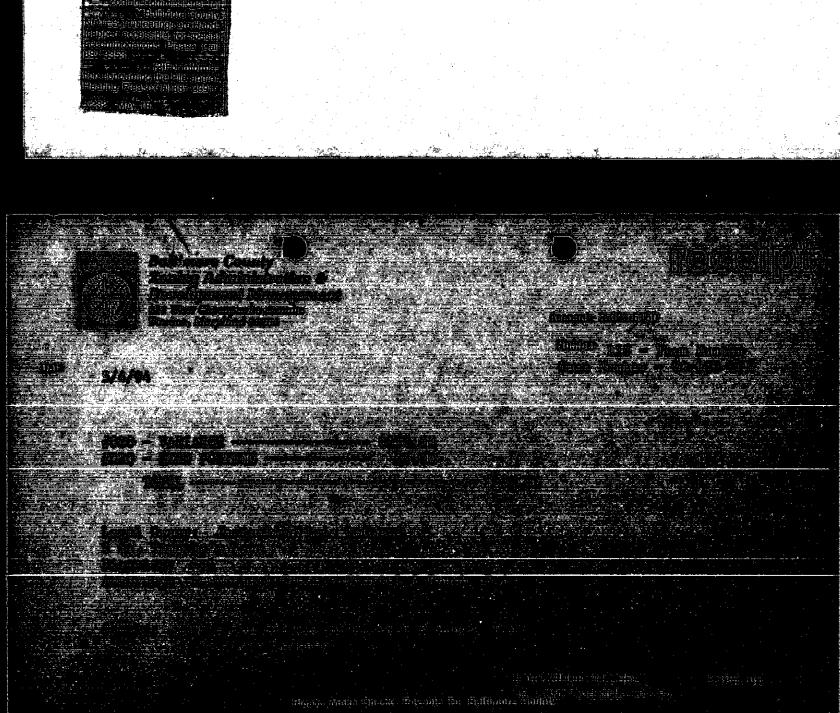
84-122-5PH

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successiv



CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was



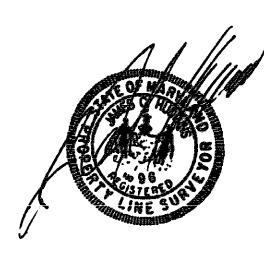
AMENDED PETITION FOR VARIANCE MARCH 4, 1994 CASE #94-122-SPH to the Zoning Commissioner of Baltimore County for the property located at Catonsville, Maryland 21228 which is presently zoned DR5.5 This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undereigned, legal owner(e) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 402.1 TO PERMIT A LOT WIDTH OF 90 FEET IN LIEU OF THE REQUIRED 95 FEET FOR 3 UNITS OR 110 FEET FOR 4 UNITS AND A LOT AREA OF 14850 SQUARE FEET IN LIEU OF 16,000 FOR 4 UNITS.
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) Property is to be posted and advertised as prescribed by Zoning Regulations.

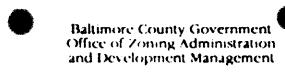
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. We do solemnly declare and affirm, under the penalties of perfury, that the are the legal owner(s) of the property which is the subject of this Patition. (Type or Pant Name) (a) Riate Zpcode Bignaluio F. Michael Grace, Esquire 9226 West Stayman Drive 465-6043 Ellicott City, Maryland 21042 FY Name Address and phone number or representative to be contacted Gisriel & Brush, P.A. Attorney For Petitioner 300 Frederick Road, Suite 100 Catonsville, Maryland 21228 (410) 744-5724

LEGAL DESCRIPTION 3 St. Timothy's Lane Catonsville, Maryland 21228 94-122-5PH

BEGINNING for the same on the east side of St. Timothy's Lane (formerly St. Timothy's Avenue) 50 feet wide at the distance of 92 feet North 6 degrees West from a corner formed by the intersection of the East side of St. Timothy's Lane and the North side of Frederick Road (formerly Frederick Turnpike Road) and running thence binding on the East side of St. Timothy's Lane, (1) North 6 degrees West 90 feet to the southernmost line of the lot conveyed by Pannie W. Taylor and Robert Taylor, her husband, to Mary C. Carter, et. al., by deed dated March 3, 1914, and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 424, folio 540; (2) thence North 81 degrees 14 minutes East binding on said line 165 feet; (3) thence South 6 degrees East parallel with St. Timothy's Lane 90 feet; and (4) thence South 81 degrees 14 minutes West and parallel with Frederick Road 165 feet to the place of beginning. The improvements thereon being known as 3 St. Timothy's



(TEM# 118



111 West Chesapeake Avenue Towson, MD 21201

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting

newspaper of general circulation in the County. This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

a sign on the property and placement of a notice in at least one

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come

from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER

ARNOLD JABLON, DIRECTOR
For newspaper advertising:
Item No.:
Petitioner: JACQUELINE LE COUTE
Hocation: 3 St. Timorums Laur
PLEASE FORWARD ADVERTISING BILL TO:
NAME: F. MICHAEL GRACE ESQUIRE
ADDRESS: GIRRE + BRUSH P.A.
383 FREDERICK RARD SUITE 3 CATONOVILLE SIDER
PHONE NUMBER: 744.5724

(Revised 04/09/93)

Please formerd billing to:

F. Hichael Grace, Esq. Gisriel & Brush, P.A. 583 Frederick Road, #3 Catonsville, Maryland 21228 410-744-5724



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Mashington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-122-SPH (Item 118) 3 St. Timothy's Lane R/S St. Timothy's Lane, 92' N of corner Frederick Avenue and St. Timothy's Lane 1st Election District - 1st Councilmanic Petitioner(s): Jacqueline Lois LeConte HEARING: MONDAY, HOWENBER 1, 1993 at 10:00 a.m. in Rm. 118, 01d Courthouse.

Special Hearing to approve a non-conforming use as a four apartment dwelling.

LAMRENCE E. SCHMIDT

ZONING CONSUSSIONER FOR BALTIMORE COUNTY

MOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government Office of Zoning Administration and Development Management



SEP. 23 1993 (410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-122-SPH (Item 118) 3 St. Timothy's Lane E/S St. Timothy's Lane, 92' N of corner Frederick Avenue and St. Timothy's Lane 1st Election District - 1st Councilmanic Petitioner(s): Jacqueline Lois LeConte HEARING: MONDAY, NOVEMBER 1, 1993 at 10:00 a.m. in Rm. 118, Old Courthouse.

Special Hearing to approve a non-conforming use as a four apartment dwelling.

111 West Chesapeake Avenue

Towson, MD 21204

cc: Jacqueline Lois LeCoute F. Michael Grace, Esq.

NOTES: (1) ZONING SIGN & POST HUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

October 22, 1993

F. Michael Grace, Esquire Gisriel & Brush, P.A. 583 Frederick Road, Suite 3 Catonsville, Maryland 21228

RE: Case No. 94-122-SPH, Item No. 118 Petitioner: Jacqueline Lois LeConte Petition for Special Hearing

Dear Mr. Grace:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 13, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are simed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: October 8, 1993 Zoning Administration and Development Management

Robert W. Bowling, Senior Engineer Development Plan Review Section

RE: Zoning Advisory Committee Meeting for October 4, 1993 Item No. 118

The Development Plan Review Section has reviewed the subject zoning item. Adequate onsite parking must be provided.

RWB: B

TO: PUTUXENT PUBLISHING COMPANY May 19, 1994 Isawa - Jeffersonian

Please foward billing to:

F. Michael Grace, Esq. 300 Frederick Road, Suite 100 Catonsville, Maryland 21228 744-5724

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesspeake Avanue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Continued from 11/1/93 CASE NUMBER: 94-122-SPHA (Item 118) 3 St. Timothy's Lane E/S St. Timothy's Lane, 92' N of Frederick Avenue and St. Timothy's Lane 1st Election District - 1st Councilmanic Petitioner(s): Jacqueline Lois LeConte HEARING: TUESDAY, JUNE 21, 1994 at 9:00 a.m. Rm. 118 Old Courthouse.

Special Hearing to approve the non-conforming use as a four apartment dwelling; or in the alternative, that density will not be affected by an area variance. Variance to permit a lot width of 90 feet in lieu of the required 95 feet for three units or 110 feet for four units and a lot area of 14,850 square feet in lieu of 16,000 for four units.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

BAUTTH THE CHINTY MARYLAND

THEROFFER CORPERSIONDENCE

To: Accord Jables, Director DATE: January 3, 1994 Zoning Administration and Development Management

The Developers Euclideering Section has reviewed

the subject coning item We recommend that buffering be

The site about the comply with the Landscape Manual for the attractions of long old Charge Early

required where one imposts of bring residential structures.

TROM Depoint W. Lowlings Chief

for Cannery 3, 1994

Them No. 119

7WB . a

dg: File

RE. Zominic Advisory Committee Meeting

94-252-XA

111 West Chesapeake Avenue

Towson, MD 21204

(410) 887-3353

NOTICE OF HEARING

Baltimore County Government Office of Zoning Administration

and Development Management

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Beggintions of Bactimore County, will hold a public hearing on the property identified herein in Rorm 106 of the County Office Building, 111 M. Chemapeake Avenue in Tommon, Maryland /1274

Room 118, Old Courthouse, 40% Washington Svenue, Townson, Maryland 21204 as follows:

Continued from 11/1/93 CASE NUMBER: 94-122-SPHA ([tem 118) 3 St. Timothy's Lane E/S St. Timothy's Lane, 92' # of Frederick Avenue and St. Timothy's Lane 1st Election District - 1st Councilmanic Petitioner(s): Jacqueline Lois LeConte HEARING: TUESDAY, JUNE 21, 1994 at 9:00 a.m. Rm. 118 014 Courthraums.

Special Hearing to approve the non-conforming use as a four spartment demilling; or in the alternative, that density will not be affected by an area variance. Variance to permit a lot width of 90 feet in lieu of the required 95 feet for three units or 110 feet for four units and a lot area of 14.850 square feet in lieu of 16,000 for four units.

cc: Jacqueline Lois LeConte F. Michael Grace, Esq.

BOTES: (1) ZOHING SIGH & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEARE AVENUE ON THE HEARING DATE. (2) HEARTHGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMPODATIONS PLEASE CALL 887-3353. (3) FOR IMPORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Saybean Inli on Recycled Paper



Maryland Department of Transportation State Highway Administration

O James Lighthizer Hal Kassoff Administrator

4-22-43

Ms. Charlotte Minton Zoning Administration and **Development Management** County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

BALTO. CO. Item No.: +//8 (ET)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

John Contestabile, Chief **Engineering Access Permits**

My telephone number le _____

O. James Lighthizer Secretary Hal Kassof Administrator

5-17-94

Ms. Charlotte Minton Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Re: Baltimore County Item No.: //6 CASE NC 94-122-38H

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Consmitte DAULD ACKAHISEY, DOTALE CINIEF Engineering Access Permits Division

My telephone number is ______ Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717 Street Address: 707 North Calvert Street • Baitimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

Inter-office Correspondence

ty at 3 St. Timothys Lane in Catonsville. There were no Protestants. The

lawver who is handling this case for a reduced fee for the Petitioner.

Pet. was repr. by F. Michael Grace, Esquire. He is apparently a real estate

of this property since acquisition by the Petitioner's parents in the early

ments. Thus, it appears to be no problem with the uninterrupted and continu-

1960s. It is clear, based on testimony and evidence presented, that since

ous use of the nonconforming use. The problem stems from when the use was

established. I went off the record and had a lengthy discussion with coun-

sel. He advised that he has no evidence to establish the nonconforming use

prior to 1959 which is reflected in the affidavits marked as Pet. Ex. 3A and

Apparently, he has not investigated that point. I advised him that 1955 may

I then recessed the hearing and referred him to John Alexander.

well be the applicable date and gave him a brief history of the adoption of

John told me over the telephone that he thought 1955 would be the operative

date but would assist the attorney in reviewing the zoning maps to see if

there was any time that the use was permitted in the intervening years. I

told the attorney that unless he could get proof prior to 1955, I was going

to have to deny the Petition irrespective of the fact that the use has been

use is not detrimental to the surrounding locale. As the other exhibits and

photographs show, this is immediately next door to a bank and Dunkin Donuts

store and appears to be an appropriate use; nonetheless that has nothing to

the proof he needs. I suggested that he ascertain whether there were elderly neighbors in the community who might be able to provide the testimony or

do with nonconforming. I advised the attorney that I would hold the case

for several weeks and wait to hear from him as to whether he had obtained

continuous for what appears to be more than 30 years and that clearly the

her parents death, the Petitioner has used the property for four apart-

3B. I then asked him what was the operative date and he did not know.

This file came in as a Petition for Spec. Hearing for the proper-

There was a great amount of testimony about the ownership and use

DATE: November 5, 1993

Memo to the file

SUBJECT: Case No. 94-122-SPH

zoning in Baltimore County.

Lawrence E. Schmidt

Zoning Commissioner

Jacqueline L. LeConte

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

DATE: September 30, 1993

Pat Keller, Deputy Director Office of Planning and Zoning

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 97, 106, 117, 118, 120, 124, 126, 127 and 128.

Petitions from Zoning Advisory Committee

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL:lw

ZAC.97/PZONE/ZAC1

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

November 23, 1993

(410) 887-4386

F. Michael Grace, Esquire Gisriel and Brush, P.A. 583 Frederick Road, Suite 3 Catonsville, Maryland 21228

> RE: Case No. 94-122-SPH Petition for Special Hearing Property: 3 St. Timothy's Lane Jacqueline Lois LeConte, Petitioner

Dear Mr. Grace:

I am writing in response to your letter dated November 1, 1993 and the conversation we had on this date. I have reviewed the zoning maps which you have submitted relative to the soning history of this property. It appears that the property has been split zoned B.L. and D.R.5.5 as far back as 1955. The precise location of the zoning line has changed, however, that does not appear to make any practical difference as to permitted uses on this property.

Permitted uses in a B.L. zone are governed by Section 230 of the Baltimore County Zoning Regulations (B.C.Z.R.). Pursuant to Section 230.1, uses permitted and as limited in a residential zone immediately adjoining the parcel are allowed. Thus, residential uses on the B.L. portion of the site are permitted as limited by the regulations for a D.R.5.5 sone, in that D.R.5.5 abuts the B.L. zone. Within Section 1801.1.A.1.c. of the B.C.Z.R. multi-family buildings are allowed. Moreover, multi-family buildings are defined by Section 101 of the B.C.Z.R. as a structure containing three or more apartments.

Baltimore County Government Department of Permits and Licenses

111 West Chesapeake Avenue SEPTEMBER 28, 1993 Towson, MD 21204

(410) 887-3610

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

State Bill #658.

ZONING AGENDA - MEETING OF SEPTEMBER 27, 1993

RE: Property Owner: Clarence Cox Location: #2929 Eastern Boulevard Item No.: +113(MJK) No Comments.

RE: Property Owner: Jacqueline Lois LeConte Location: #3 St. Timothy's Lane Item No.: + 118 (RT) Fire hydrants for the referenced property are required and shall be located at intervals of 750 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. Sprinklers shall be installed in accordance with MD State Code,

RE: Property Owner: Eva M. Nolan & Nicholas J. Nolan Location: #4342 Penn Avenue Item No.: *119 (RT) No Comments.

RE: Property Owner: Dorothy M. Beaman Location: #1402 Edmondson Avenue Item No.: + 120 (JCM) No Comments.

RE: Property Owner: Melvin Gladney and Parmie Gladney Location: #6734 Dogwood Road Item No.: 121 (JCM) No Comments.

RE: Property Owner: Sandra Andrejak Location: NE/S Stemmers Run Road & #613 (Norris Lane - Kenwood's) Item No.: +122 (WCR) & 123 (WCR) No Comments.

RE: Property Owner: William Hirshfeld and Loretta Hirshfeld Location: #15 Merry Hill Court Item No.: 124 (JLL) No Comments.

Based on the above noted sections, a multi-family dwelling would,

therefore, be permitted on this property. However, Section 402 of the B.C.Z.R. governs conversion of one family dwellings to multi-family use. Section 402 was enacted in 1955 and designates separate requirements for

each of the residential zones. The zone designated as R6 in 1955 is now

width and side yard requirements have been met and are satisfied on the

in terms of the required lot area. That is, Section 402 requires 10,000

sq. ft. of lot area for two families, with 3,000 ft. additional for each

known as D.R.5.5. From a review of the site plan, it appears that the lot

subject property. However, the property for a 4 apartment use is deficient

additional family. The subject lot is 14,850 ft. Thus, 3 apartments would

In sum, based upon the information presented, it appears that a 3

apartment unit could continue without any zoning relief. However, if the

Petitioner desires to continue use of 4 apartments on the property, a non-

conforming nature of the use, as established prior to 1955, must be shown.

Give me a call if you have any questions regarding the above.

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F. Michael Grace, Esquire Gisriel and Brush, P.A.

page 2.....

583 Frederick Road, Suite 3

Catonsville, Maryland 21228

be permitted under the regulations.

RE: PETITION FOR SPECIAL HEARING . PETITION FOR VARIANCE 3 St. Timothy's Lane E/S St. Timothy's Lane, 92' N of Frederick Avenue and St. Timothy's* Lane, 1st Election Dist., 1st Councilmanic

ZONING COMMISSIONER FOR BALTIMORE COUNTY

CASE NO.: 34-122-SPHA

BEFORE THE

Jacqueline Lois LeConte

21228, attorney for Petitioner.

final Order.

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preisminary or

> The contract of the second People's Counsel for Bast more County Acres Brown Brown CAPOLE S. DEMILIO Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, MD 2:294 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2/ day of June, 1994, a copy of

the foregoing Entry of Appearance was mailed to F. Michael Grace, Esquire, Gisriel & Brush, P.A., 583 Frederick Road, Catonsville, MD

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

March 23, 1994

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

F. Michael Grace, Esquire Gisriel and Brush, P.A. 300 Frederick Road Suite 100 Catonsville, Maryland 21228

RE: 3 St. Timothy's Lane Catomaville, maryland 21228 Case No. 94-122-SPH

Dear Mr. Grace:

This is to acknowledge receipt of a copy of your letter dated March 11, 1994 to W. Carl Richards, Zoning Coordinator, of the Baltimore County Office of Zoning Administration and Development Management. In accordance with the meeting between Carl, you and I, I will withhold issuing a decision on the issues presented at the public hearing held on November 1, 1993 fegarding this property.

Per your letter, I understand that you have filed an amended Petition presenting an alternative theory in support of your request to approve four apartments on the subject dwelling. In view of the submission of this amended Petition, I will defer issuing a decision on the original hearing of November 1, 1993, at this point, and ultimately issue a single written opinion and Order after the hearing on the amended Petition which is to be scheduled.

Please do not hesitate to contact me should you have any further questions regarding this matter.

Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

cc: W. Carl Richards, Zoning Coordinator

Office of Zoning Administration cc: Gwendolyn Stephens Docket Clerk, Office of Zoning Administration

Lawrence E. Schmidt

Zoning Commissioner



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

F. Michael Grace, Esquire Gisriel & Brush, P.A. 583 Frederick Road Suite 3 Catonsville, MD 21228

> RE: Preliminary Revision Review (Item #118; Case #94-122-SPH) Legal Owner: Jacqueline Lois LeConte 3 St. Timothy's Lane 1st Election District

Dear Mr. Grace:

At the request of the attorney/petitioner, the above referenced revisions were accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

- 1. Parking locations and calculations must be indicated on the plans, including gross floor area of all buildings.
- 2. Distances to property lines of adjacent buildings must be indicated on the plan.
- 3. The plan must be sealed by an engineer or surveyor.

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F. Michael Grace, Esquire

If you need further information or have any questions regarding the submitted revisions, please do not hesitate to contact me at 887-3391.

JRA:scj

Enclosure (receipt)

cc: Zoning Commissioner

REVISIONS SIGN Letat balance

3/25 - Called Hichael Grace - David Bodley said Hi Grace was out of town; will mail \$300 check on Horday

4/11 - Called Hichael Grace - Warte to talk to wor; paid wor quested him a Ju of \$85

poid not to charge \$100 revision who Has saiver whose ton pip added senting

4/22 - Called Michael Graces - Will send additional 3200

4/29 - Nancy of Fountainhead (144-5252) called - Will send = 200 check today

LAW OFFICES GISRIEL & BRUSH, P.A.

300 FREDERICK ROAD

\$310 STEVENS FOREST ROAD COLUMBIA MARYLAND 21046 10840 LITTLE PATURENT PARKWA COLUMBIA MARYLAND 2:044 SUITE 400

SUITE 100 CATONSVILLE, MARYLAND 21228 TEL (4:0) 744-5724

FAX 14101 744:5978

SUITE IZO SUVER SPRING MARYLAND ZOGO4 LAUREL MARYLAND 20707 TOP RESSELL AVENUE GAITHERSBURG MARY AND 20877 2960 CHAIN BRIDGE 9 IAU SUITE 300 OAKTON VIRGINIA 22-24

ZONING COMMISSIONE

250: PROSPERITY DRIVE

November 1, 1993

210 EAST LEXINGTON STREET

BALTIMORE MARYLAND 2 202 35:4

Lawrence E. Schmidt Zoning Commissioner Suite 113, Court House 400 Washington Avenue Towson, Maryland 21204

RE: Case Number 94-122-SPH (Item 118) 3 St. Timothy's Lane Petitioner: Lois LeConte

Dear Mr. Schmidt:

This follows the hearing of this date in reference to the captioned case.

At your direction I visited the zoning office to review the 1971 and 1955 zoning maps. Selected portions of those respective maps are enclosed for your review. Please note that both of these maps reflect fully one-half of this house in the BL zone. Apparently it was not until sometime after 1971 that the BL line was moved to its current position.

At your earliest convenience it would be appreciated if you would advise how this information might impact your decision in this case. Should this not be sufficient we will continue to pursue other individuals who might be able to appear and testify to close the gap between 1955 and 1959.

Your continued cooperation is certainly appreciated.

Very truly yours, FMML F. Michael Grace fmg/md

cc: Lois LeConte

LAW OFFICES GISRIEL & BRUSH, P.A. 300 FREDERICK ROAD

6310 STEVENS FOREST ROAD COLUMBIA, MARYLAND 21046 10840 LITTLE PATUXENT PARKWAY BUITE IOE COLUMBIA, MARYLAND 21044 SUITE 400 210 EAST LEXINGTON STREET

BALTIMORE, MARYLAND 21202-3514

March 11, 1994

TEL. (410) 744-5724 FAX: (410) 744-5978

SUITE 100

CATONSVILLE, MARYLAND 21228

12501 PROSPERITY DRIVE SUITE 120 SILVER SPRING, MARYLAND 20904 120 SECOND STREET LAUREL MARYLAND 20707 202 RUSSELL AVENUE GAITHERSBURG MARYLAND 20877 2960 CHAIN BRIDGE ROAD DARTON VIRGINIA 22124

F. MICHAEL GRACE

W. Carl Richards Soning Coordinator Baltimore County Soning Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

RE: 3 St. Timothy's Lane Catonsville, Maryland 21228 Case No. 94-122-SPH

Dear Mr. Richards:

As you will recall, this office represents Jacqueline Lois LeConte in reference to the captioned matter.

Enclosed you will find THREE (3) original Amended Petitions and TEREE (3) Amended Petitions for Variance as we discussed. Also enclosed is a check in the amount of \$85.00 payable to Baltimore County to cover the filing fees. Finally, I have enclosed TWELVE (12) revised Plats to Accompany said Petitions.

It is my understanding that you will now post the property and have this set back in for a hearing before Mr. Schmidt at the earliest possible date.

Your continued cooperation is really appreciated. Feel free to contact me directly if there are any questions or problems.

Very truly yours, Fymal F. Michael Grace fmg/md

LAW OFFICES

GISRIEL & BRUSH, P.A. 583 FREDERICK ROAD

SUITE 3

6310 STEVENS FOREST ROAD COLUMBIA, MARYLAND 21046 10840 LITTLE PATUXENT PARKWAY COLUMBIA, MARYLAND 21044 210 EAST LEXINGTON STREET BALTIMORE, MARYLAND 21202 3514

CATONSVILLE, MARYLAND 21228 TEL 14101 744 5724 FAX (4(0) 744 5978

12501 PROSPERITY DRIVE SILVER SPRING MARYLAND 20904 -20 SECOND STREET LAUREL MARYLAND 20707 702 RUSSELL AVENUE SUITE 201 GAITHERSBURG MARYLAND 2087 2960 CHAIN BRIDGE ROAD BUITE 300 OAKTON VIRGINIA 22124

F. MICHAEL GRACE

January 13, 1994

Lawrence E. Schmidt Zoning Commissioner Office of Planning and Zoning Suite 113 Courthouse 400 Washington Avenue Towson, Maryland 21204

RE: Case No. 94-122-SPH Petition for Special Hearing Property: 3 St. Timothy's Lane Jacqueline Lois LeConte, Petitioner

Dear Mr. Schmidt:

This follows our telephone conversation of today's date in reference to the captioned matter.

ZONING CE.

As we discussed, you have agreed to review this parcel for a possible variance to allow the 4th apartment notwithstanding the apparent square footage shortage. Your letter of November 23, 1993 indicates that the 4th apartment would not be allowed due to a deficiency of 1150 square feet.

Your continued cooperation is appreciated.

Very truly yours, FM F. Michael Grace

fmg/md cc: Lois LeConte

LAW OFFICES

GISRIEL & BRUSH, P.A.

983 FREDERICK ROAD SUITE 3 CATONSVILLE, MARYLAND 21228 TEL 14101 744-8724

SUITE BOOKS MARYLAND BOSOM 80 SECOND STREET -SHOR SHOW SHOPE ROAD

2534 93

PAR. (410) 744-8978 90/16 300 04/10% VIRGING 88:34

August 24, 1993 Reg Tanguilig Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204 RE: 3 St. Timothy's Lane Catonsville, Maryland 21228

cc: Jacqueline Lois LeConte

PLEASE PRINT CLEARLY

Dear Reg:

Enclosed you will find the documentation necessary to file the Petition for Special Hearing in reference to the captioned property. The proper fees are also enclosed. Kindly advise as to a hearing date at your earliest

convenience.

Your continued cooperation is appreciated. Feel free to contact me directly if there are any questions or problems.

Very truly yours, FMMA F. Michael Grace

PETITIONER(S) SIGN-IN SHEET

Fra B Rittershofer MARY A RITTLESHLER 623 ANDER HOT HE TOUTE HE = 1229 MARY & NORRIS 1264 in STHYMAN DR T. + CT - ME I CHZ Virginia L. Buchanan 7740 founder House Dr. Ricky He MO William Louis LeConte 4012 Hop, Coast & Unott City MD 21043 tors wis lo Conte

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